

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

UNITED STATES OF AMERICA	:	
	:	
v.	:	CRIMINAL ACTION
	:	NO. 2:10-CR-011-WCO-SSC
JOSEPH GITTINGS	:	

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY¹

The defendant, Joseph Gittings, by consent, has appeared before me and has entered a plea of guilty to **COUNT(S) ONE (1)** of the indictment. After cautioning and examining the defendant under oath concerning each of the subjects mentioned in Rule 11, I have determined that the guilty plea was knowing and voluntary, and that the plea to the offense charged is supported by an independent basis in fact establishing each of the essential elements of such offense. I have also determined that the defendant has voluntarily and expressly waived the right to appeal his conviction and sentence and the right to collaterally attack his conviction and sentence in any post-conviction proceeding (including, but not limited to, motions filed pursuant to 18 U.S.C. § 2255) on any ground, except that the defendant

¹ Failure to file written objections to this Report and Recommendation within *FOURTEEN (14) DAYS* after service of a copy of this Report and Recommendation shall bar an aggrieved party from attacking such report and recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

may file a direct appeal of an upward departure or variance from the otherwise applicable sentencing guideline range, or if the Government files an appeal, the Defendant may file a cross-appeal. I, therefore, **RECOMMEND** that the plea of guilty be accepted and that the defendant be adjudged guilty and have sentence imposed accordingly.

SO ORDERED this 19th day of May, 2010.

Susan S. Cole

SUSAN S. COLE
UNITED STATES MAGISTRATE JUDGE